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REPORT OF THE SECRETARY-GENERAL PREPARED PURSUANT TO SECURITY COUNCIL RESOLUTION 1160 (1998)

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1160 (1998) of 31 March 1998. It covers the period since my last report of 2 July 1998 (S/1998/608). As at 31 July 1998, I had received several communications from Member States and regional organizations relating to developments in Kosovo, as well as to the steps they had taken to give effect to the prohibitions imposed by resolution 1160 (1998). By a letter dated 9 July 1998 (S/1998/657), the Acting Permanent Representative of Germany to the United Nations conveyed a statement issued on 8 July 1998 by the Contact Group regarding the situation in Kosovo. I also received a letter dated 21 July from the Permanent Representative of Austria to the United Nations (S/1998/675) which contained the Declaration of the Presidency of the European Union of 20 July 1998. In a letter dated 16 July 1998 (S/1998/654), the Permanent Mission of the Federal Republic of Yugoslavia transmitted remarks of the Federal Republic of Yugoslavia in connection with my previous report. On 24 July 1998, the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE) conveyed to me updated information on the situation in Kosovo, which I attach in annex I to the present report.

II. SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 1160 (1998)

2. As of 31 July, in addition to those States listed in my earlier report (S/1998/608), Greece, Germany and Liechtenstein reported to the Committee pursuant to paragraph 12 of resolution 1160 (1998) on the steps they had taken to give effect to the prohibitions imposed by that resolution.

III. COMPREHENSIVE REGIME TO MONITOR THE IMPLEMENTATION OF THE PROHIBITIONS IMPOSED BY SECURITY COUNCIL RESOLUTION 1160 (1998)

3. In paragraph 15 of resolution 1160 (1998), the Security Council requested that, in consultation with appropriate regional organizations, I include in my first report to the Council recommendations for the establishment of a

comprehensive regime to monitor the implementation of the prohibitions imposed by that resolution. It also called upon all States, in particular neighbouring States, to extend full cooperation in that regard.

4. In my report to the Council dated 30 April 1998 (S/1998/361), I provided a general outline of the concept for a comprehensive monitoring regime and stated that the United Nations was unable, within existing budgetary resources, to establish and administer such a regime. I reiterate my view expressed therein that for a monitoring regime to be comprehensive, it would require the deployment at key points of teams composed of qualified experts, as well as the setting up of a fully equipped communications centre to support the work of the monitoring teams and to interact with the Sanctions Committee and its secretariat. These teams would provide advice and assistance to the authorities of neighbouring and other States that bear the responsibility for enforcement of the mandatory measures in accordance with the provisions of Security Council resolution 1160 (1998).

5. In my second report pursuant to resolution 1160 (1998), dated 4 June 1998 (S/1998/470), I stated that upon receipt of the views of the organizations I had contacted, I would submit my recommendations to the Security Council for a comprehensive monitoring regime, taking into account the existing potential within the United Nations and the views expressed by those organizations.

6. In addition to OSCE, replies were received from the European Union (EU), the North Atlantic Treaty Organization (NATO), the Western European Union (WEU) and the Danube Commission. Those communications were annexed to my earlier reports (S/1998/470, S/1998/608). On 14 July 1998, the Secretary-General of NATO informed me of his organization's decision at the current stage to proceed with the "Stabilization Force (SFOR) option" to step up its efforts to monitor the Bosnian border with the Federal Republic of Yugoslavia, and to forward to me any relevant information on suspected violations of resolution 1160 (1998) in SFOR's area of operations. The text of the letter from the Secretary-General of NATO is contained in annex II to the present report.

7. All the organizations I contacted have stated their readiness to contribute actively to the monitoring of the prohibitions imposed by resolution 1160 (1998). At this stage, however, the overall resources pledged by those organizations would not allow for the establishment of a comprehensive monitoring regime as envisaged in resolution 1160 (1998). Nonetheless, their proposed contributions, coupled with that of the United Nations Preventive Deployment Force (UNPREDEP), as outlined in my reports to the Security Council dated 1 June and 14 July 1998 (S/1998/454 and S/1998/644 respectively), provide a useful framework for reporting on violations of the prohibitions imposed by the above resolution and for assisting the Committee established pursuant to Security Council resolution 1160 (1998) in discharging its mandate.

8. Accordingly, I propose to invite the organizations mentioned in paragraph 6 above to forward to the Secretariat, for consideration by the Security Council Committee established pursuant to Security Council resolution 1160 (1998), relevant information based on reports of their own monitors or any other information that may be available to them, concerning violations or

allegations of violations of the prohibitions imposed by Security Council resolution 1160 (1998).

9. On 21 July 1998, the Security Council adopted resolution 1186 (1998), by which it decided to authorize an increase in the troop strength of UNPREDEP and to extend its current mandate for a period of six months until 28 February 1999, including the tasks of monitoring the border areas and reporting to me on illicit arms flows and other activities that are prohibited under resolution 1160 (1998).

10. In the absence of an integrated coordinating mechanism, it would be essential for representatives of participating organizations, UNPREDEP and the Secretariat to hold, as necessary, periodic meetings in order to exchange information on the monitoring of the prohibitions established by resolution 1160 (1998) and to address practical issues arising in that connection.

IV. SITUATION IN KOSOVO

11. In early July, efforts by the members of the Contact Group, EU and OSCE offered hopeful signs that meaningful dialogue might be possible between the parties to the conflict. Regrettably, those hopes were not realized. I must therefore report that, as the Security Council is already aware, the situation in Kosovo continues to deteriorate. Increased heavy fighting between the security forces of the Federal Republic of Yugoslavia and the so-called Kosovo Liberation Army (KLA) has been reported from several areas in Kosovo. The numbers of civilian and military casualties are at their highest point since the outbreak of the conflict. The attitudes of the two sides appear to be hardening with every day of fighting. There is no progress on renewal of dialogue. Most disturbing are reports of increased tensions along the border between the Federal Republic of Yugoslavia and Albania. In this regard, I share the concerns expressed in the Declaration of the Presidency of the European Union of 20 July 1998 (S/1998/675).

12. The unrelenting violence has led to a dramatic increase in internally displaced persons in Kosovo and Montenegro since my last report. According to estimates by the Office of the United Nations High Commissioner for Refugees (UNHCR), more than 100,000 people have been driven from their homes by the conflict. Between 70,000 and 80,000 people were internally displaced in Kosovo by the end of July. Authorities in Montenegro had recorded 22,000 internally displaced persons from Kosovo by 22 July. As local food production has come to a standstill, food shortages could worsen sharply. With the increasing number of displaced persons and the approaching winter, Kosovo has the potential of becoming a humanitarian disaster.

13. The number of refugees in northern Albania remains approximately the same (estimated at around 13,500) with 10,300 registered refugees. The majority (some 10,000) arrived in Albania between 29 May and 9 June. While one of the main refugee locations, Tropoje, lies just 7 kilometres from the border, the proximity of the border has not created a security risk for refugees at this stage. However, with the increasing militarization of the border region and the

escalation of tensions in Kosovo, destabilization of the Albanian border region is possible.

14. United Nations agencies are intensifying their efforts to prevent a major humanitarian and refugee crisis. In response to the consolidated inter-agency flash appeal for humanitarian assistance needs related to the Kosovo crisis: 1 June-31 August 1998, however, only 9.7 per cent of assistance requirements (US$ 1.7 million) had been pledged by donors as of 14 July. Most of the funding, provided by Denmark, Germany, Luxembourg, Sweden and Switzerland, was intended for UNHCR assistance programmes for refugees and internally displaced persons in Albania and Montenegro. The World Health Organization (WHO) and the United Nations Children's Fund (UNICEF) continue to jointly assess all possible means for assisting the networks and facilities to provide vaccination for children. WHO is intensifying its coordination with health-related non-governmental organizations (NGOs) to properly address the donations of medicine. UNICEF and UNHCR are to meet with the Ministry of Education of Montenegro in order to explore ways of supporting schools hosting classes with internally displaced children. WHO is also planning an assessment of the medical and psychosocial needs of the displaced population in Montenegro.

V. OBSERVATIONS

15. The limitations on my capacity to report on the situation in Kosovo, as requested in paragraph 14 of resolution 1160 (1998), remain unchanged. At the same time, it is my understanding that there has been an increase in the presence of diplomatic observers from European and Contact Group countries in general who, as I suggested in my last report, might be better placed to provide the Security Council with a reliable flow of information concerning the situation on the ground.

16. The continuing infiltration from outside the borders of the Federal Republic of Yugoslavia of weapons and fighting men is a source of continuing widespread concern. The sharp escalation of violence and the reported use of excessive force by security forces against civilians as part of the government operations against the KLA are cause for both distress and alarm. A particularly dangerous element in the situation is the move in certain quarters away from a willingness to search for compromise on a basis of multi-ethnic communities. Centrifugal tendencies appear to be gaining ground. As indicated in paragraphs 12 and 13, the continuing conflict has led to a growing number of internally displaced persons and refugees. This in turn causes further instability. The international community risks once against being placed in a position where it is only dealing with the symptoms of a conflict through its humanitarian agencies.

17. This situation is aggravated by the failure of the authorities of the Federal Republic of Yugoslavia and the Albanian Kosovars to enter into serious negotiations on the future status of Kosovo. The continuation or further escalation of this conflict has dangerous implications for the stability of the region. Given the responsibilities of the United Nations in the wider region and the ethnic makeup in neighbouring countries, I cannot but express my alarm at this prospect. Several Security Council-mandated or Security Council-

authorized operations in the region are playing a useful role in promoting dialogue and harmony among different ethnic groups. I wish to record before the Security Council my strong hope that the question of Kosovo will be examined not in isolation but in a manner that fully takes into account and embraces the broad, regional context and the principles of the Charter of the United Nations.

Annex I

Information on the situation in Kosovo and on measures taken by the Organization for Security and Cooperation in Europe, submitted pursuant to paragraphs 13 and 16 of Security Council resolution 1160 (1998)

Summary

Since mid-June, there has been further escalation of the conflict in Kosovo, with the hostilities spreading to engulf the entire south-western part of the province.

By mid-July, the crisis had reached new levels of intensity. As the fighting drew nearer Pristina, the "Kosovo Liberation Army" (KLA) removed any ambiguity as to its intention to bring the province under its control.

Numerous armed clashes were reported from the regions of Kosovo bordering Albania.

All appeals of the international community for talks and a cessation of the hostilities have remained unanswered. Prospects for a negotiated settlement appear dim and time is running out for the attainment of a peaceful solution. The Kosovo crisis entered into a phase of unpredictable consequences for regional stability and is therefore a source of deep concern for the Chairman-in-Office as it is for the entire Organization for Security and Cooperation in Europe (OSCE).

Violence and the use of force

1. The period between the 16 June meeting between President Milošević of the Federal Republic of Yugoslavia and President Yeltsin of the Russian Federation and the end of the month was marked by a drop in the number of combat operations in Kosovo. However, units of the Yugoslav Army remained active in the border region. Isolated incidents also took place along Yugoslavia's border with the former Yugoslav Republic of Macedonia.

2. Shortly thereafter the KLA became more active, moving on from defensive actions to sporadic attacks on the Yugoslav security forces. New information continued to be received on the fighting between the KLA and the Serb security forces around Pec, Cecanice and Djakovic. Offensive operations, with heavy fighting and casualties, have been the hallmarks of the period since 20 July. The civilian population has also suffered losses and the numbers of the refugees from the area have grown.

3. Meanwhile, the OSCE presence (mission) in Albania has reported a number of serious armed clashes inside Kosovo, close to the border with Albania, with the number of such incidents increasing after 15 July. OSCE observers witnessed stepped-up military activities in the Decani area. Increased cross-border

transit of KLA troops as well as shipments of arms and ammunition were recorded, as was a flare-up of the fighting on the border region on 18 July.

Situation on the Albanian/Kosovo border

4. Military activity by the Federal Republic of Yugoslavia has continued unabated since mid-May. In the border areas close to Albania, many villages and hamlets have been targeted. More recently, the larger town of Orahovac has also been the scene of fighting. This has caused an increase in the number of internally displaced persons. The refugee movement to Albania, however, has come to a virtual halt. This is probably a result of the deterrent measures by forces of the Federal Republic of Yugoslavia, including the laying of mines and increased patrols at the border.

5. The continued violence in Kosovo has reinforced overall militancy among ethnic Albanians on both sides of the border. KLA transborder activities have become increasingly overt. Regular movement of KLA arms/ammunition and manpower has been observed by OSCE across known refugee routes. There are strong indications that some of these routes have been mined on the Federal Republic of Yugoslavia side, and are targeted by direct and indirect fire. OSCE observers have recently sighted fresh shell craters 25 metres from the border on the Albanian side.

6. The increased levels of tension and armed confrontation have led to further destabilization of the north-east region of Albania. There are indications that the vital ferry link on the main supply route to the border area is under the control of the KLA.

Access to Kosovo

7. The number of visits to Kosovo by foreign diplomats posted in Belgrade has grown since the meeting between President Milošević and President Yeltsin.

8. However, regions hit by heavy fighting and those preparing for armed operations were virtually impossible to visit. In danger zones Serbian police did grant individual passage permits while warning prospective travellers of considerable risk.

9. Units and outposts of the KLA continued to stop individuals for ID checks and sometimes refused to give access to some areas of Kosovo under its control.

10. On 6 July, the International Kosovo Diplomatic Observer Mission started work in the war-torn province, with the participation of the OSCE Troika. Observers from the United States of America, the Russian Federation and the European Union have set up offices in Pristina and operate from there.

11. On 21 July, at Belgrade, the heads of the diplomatic observer missions, representing Contact Group countries, the European Union (EU) Troika and the OSCE Chairman-in-Office, presented their first report on the situation in Kosovo.

Dialogue

12. Despite strenuous diplomatic efforts, the international community has so far failed to bring about a resumption of the dialogue between the country's authorities and representatives of the Kosovo Albanians. The Serbian side has reiterated its understanding that a dialogue should be conducted within the framework of Serbia and the Federal Republic of Yugoslavia and that the territorial integrity of Yugoslavia would first be guaranteed. Units of the Serb special forces remained in Kosovo.

13. Representatives of the Albanian negotiating team and the Chairman of the Kosovo Democratic League are of the opinion that the present-day conditions of conflict are not conducive to dialogue. In their view, a withdrawal from Kosovo of the Serb special forces, a cessation of the operations aimed against the Albanian civilian population and putting the idea of Kosovo's independence on the agenda of the negotiations would be their preconditions before a resumption of the dialogue.

14. The emergence on the Kosovar Albanian political scene of the KLA, as a force commanding considerable influence throughout the Albanian community, has introduced a new element into the idea of negotiations. Representatives of the KLA believe that the political parties should accept the existence and importance of the armed organization and that none of the parties represents the KLA. Neither do they recognize the leadership of Ibrahim Rugova. The KLA further rules out the possibility of declaring a ceasefire should the talks resume without them being accepted as one of the negotiating parties.

15. The commitment of the international community is of immense importance for the ongoing efforts to defuse the threat of a further escalation of the conflict. During their visits to both Belgrade and Pristina, international visitors have tried to pressure the two belligerent parties to stop the use of violence. The string of measures adopted with the purpose of bringing more pressure to bear on the Belgrade authorities includes the 8 June European Union decision (which went into force on 23 June) to freeze within the boundaries of the European Union all the fixed assets and financial resources of both the Federal Republic of Yugoslavia and Serbia, and the 29 June resolution of the Council of Ministers banning all flights by JAT airlines as well as other Yugoslav carriers to EU destinations.

OSCE activities

16. Following the communiqué released in Moscow on 16 June at the close of the meeting between President Yeltsin and President Milošević, Mr. Bronislaw Geremek, Minister of Foreign Affairs of Poland and Chairman-in-Office of OSCE, wrote a letter to Mr. Milošević requesting clarification of some points of the communiqué's paragraph dealing with OSCE. The letter elicited a response from Mr. Z. Jovanović, Minister for Foreign Affairs of the Federal Republic of Yugoslavia, who wrote to Mr. Geremek inviting a delegation of political directors to Belgrade "to start negotiations simultaneously on the acceptance of the OSCE mission in Kosovo and Metohija and the regulation of the membership rights of the Federal Republic of Yugoslavia in the organization". In his reply

Mr. Geremek proclaimed his 'readiness to begin exploratory talks' between OSCE and the Federal Republic of Yugoslavia.

17. The exploratory talks, which were held at Belgrade on 3 July, revealed that the Federal Republic of Yugoslavia did not accept a return of the Gonzalez Mission and/or the OSCE Long-term Mission unless the problem of the Federal Republic's participation in OSCE had first been resolved. Moreover, the Federal Republic also rejected the idea of a step-by-step 're-establishment' of its membership. As a gesture of 'good will', the Federal Republic invited an 'OSCE assessment mission' to visit the Federal Republic of Yugoslavia without any preconditions.

18. As a result of the above invitation, an OSCE technical assessment mission visited the Federal Republic of Yugoslavia from 14 to 22 July 1998. Its report and conclusions are attached to the present report as a source of additional information.

Chairman-in-Office of the Organization
for Security and Cooperation in Europe.

Warsaw, 24 July 1998.

Enclosure

Organization for Security and Cooperation in Europe

Report of the technical assessment mission on its visit to the Federal Republic of Yugoslavia from 14 to 22 July 1998

I. MISSION OBJECTIVE

1. The mission had the task set by the OSCE Chairman-in-Office to go to the Federal Republic of Yugoslavia to make a preliminary assessment of the relations between OSCE and the Federal Republic of Yugoslavia, with a view to facilitating the mission of Mr. Felipe Gonzalez (as Personal Representative of the OSCE Chairman-in-Office) and a comprehensive resolution of these issues, including the re-establishment of the OSCE Long-term Mission to the Federal Republic of Yugoslavia on the basis of OSCE Permanent Council decision 218 of 11 March 1998.

II. FRAMEWORK

2. In Belgrade, the 12-member delegation, headed by Ambassador Hansjorg Eiff of Germany, met with the Foreign Minister of the Federal Republic of Yugoslavia at the outset as well as towards the end of the visit, and had discussions with Federal and/or Serbian ministers responsible for the media, national and minority rights, and culture; the Chairman and three other members of the Foreign Relations Committee of the Parliament of the Federal Republic of Yugoslavia (representing predominantly government opinion); the Serbian Commissioner for Refugees; leaders of the political opposition; non-governmental organizations (NGOs) (including human rights groups); representatives of the independent media; and international organizations. In Belgrade it also met with representatives of regional parties from the Sandjak and Vojvodina. The Head of Mission met twice with the foreign policy adviser of President Milosević.

3. In Kosovo, the mission met the local Serb authorities; political representatives of Kosovo Albanians (including several members of the negotiating team); the Albanian Students Union; the Helsinki Committee; and the Kosovo Diplomatic Observer Mission.

4. In Montenegro, the mission was received by President Djukanović and met with: the Prime Minister; the Chairman of the National Assembly; the Foreign Minister and the Minister responsible for ethnic minorities; and representatives of the media and of human rights organizations.

5. The Yugoslav authorities cooperated fully with the mission and provided assistance to facilitate its work.

6. The mission focused its work on the following issues:

- The possible return of the long-term missions to Kosovo, Sandjak and Vojvodina;

- The mission of the Personal Representative of the Chairman-in-Office for the Federal Republic of Yugoslavia;

- The situation on the ground in Kosovo, Sandjak and Vojvodina insofar as it would affect the work of the returned missions and the mission by the Personal Representative of the Chairman-in-Office;

- Recent developments in the areas of concern (e.g. media, judiciary, legal and electoral systems) highlighted by Mr. Gonzalez in his 1996 report;

- Possible participation of the Federal Republic of Yugoslavia in the work of OSCE.

III. RETURN OF THE LONG-TERM MISSIONS TO KOSOVO, SANDJAK AND VOJVODINA

7. There was a general recognition of the usefulness of the work of the three missions prior to their interruption in 1993. All regional groupings favoured a return of the missions to their areas. One Vojvcdina representative suggested that that region might be covered from a base located more centrally in Belgrade, if a mission was to be established there. While some Albanians expressed reservations as to whether the mission in Kosovo could have prevented the serious deterioration of the situation, they believed that its presence could have served as a partial check on the violence. Many interlocutors noted that the missions generally could help to bridge the gap between the communities, and serve as a reassurance, and point of contact for the minorities. It was suggested that the missions could be given the mandate of an ombudsman, to receive and assess complaints about human rights violations submitted to them.

8. The Government of the Federal Republic of Yugoslavia side, both in Belgrade and in Pristina, also acknowledged the fairness and accuracy of the missions' reporting and recognized that, in the current situation, a mission could play a useful role in Kosovo. It was clear they would consider the possibility of a mission returning to Kosovo alone. They noted that OSCE missions were only dispatched to OSCE participating States. They placed the return of the mission to Kosovo firmly in the context of the agreement between President Milosević and President Yeltsin in Moscow on 16 June and linked it to what they described as the simultaneous readmission of the Federal Republic of Yugoslavia to OSCE. The OSCE delegation stressed that the return of the missions was insufficient to secure the participation of the Federal Republic of Yugoslavia in the organization, which would require a consensus decision of all OSCE member States.

IV. ATTITUDE EXPRESSED TOWARDS THE MISSION OF THE PERSONAL REPRESENTATIVE OF THE OSCE CHAIRMAN-IN-OFFICE

9. The assessment mission emphasized to all its interlocutors its role of preparing the ground for the mission by the Personal Representative of the OSCE Chairman-in-Office, Mr. Felipe Gonzalez, and made it clear that it was no substitute for that mission. It also stressed that Mr. Gonzalez's mandate covered the whole of the Federal Republic of Yugoslavia, including Kosovo. The Foreign Minister said the Gonzalez mission of 1996 had been completed. The Federal Republic of Yugoslavia had not been consulted on the second mission. The Federal Republic was ready to discuss this once the question of its participation in the OSCE was settled. The Chairman of the Federal Parliament Foreign Relations Committee went further, stating that the mandate could not cover internal issues and criticizing the earlier report of Mr. Gonzalez.

10. All opposition political parties to whom the mission spoke as well as all representatives of the ethnic minorities, the independent media and human rights groups favoured a continuation of the Gonzalez mission. Many said so publicly during the visit. Among the most keen were those parties which had boycotted the Serbian Republic and presidential elections in 1997 because they had believed the electoral conditions were unacceptable. Some of the Albanian representatives noted that any international mediator on Kosovo would need strong international backing, and that there were already others involved in that field.

V. KOSOVO

11. Federal Foreign Minister Jovanović, like other government representatives, emphasized the official view that the Kosovo problem was one of separatism and terrorism, and not of national and minority rights. The Government of the Federal Republic of Yugoslavia needed to defend the interests of all the residents of Kosovo. The situation could be resolved only through direct dialogue between the parties on a series of confidence-building measures and forms of self-governance for the province, including different forms of autonomy. The outcome must respect the territorial integrity of Serbia and the Federal Republic of Yugoslavia and the rights of all nationalities and minorities, according to European standards. The Minister also highlighted the progress he said the Federal Republic had made on humanitarian issues. He called for European countries to stop what he claimed was the provision of assistance to Albanian extremists in Kosovo from groups based on their territory.

12. The mission's visit to Pristina was depressing. The total lack of trust between the two communities, which was reflected both in an absence of everyday human contact and a lack of communication between representatives of the two communities, was striking. This was one of the key reasons for the failure of the two sides to negotiate. It was very obvious that the most pressing need was for an immediate cessation of hostilities. The representatives of the local Serb authorities insisted that the Serb security forces only responded to attacks made on them by the so-called Kosovo Liberation Army (KLA). They claimed that the continuing presence of Serbian special units in the province

was only necessary because of KLA attacks. They also denied that the Serbs had used disproportionate force in their engagements with the KLA. They handed the mission lists of names of 30 Albanians and 14 Serbs who they said had been killed by the KLA, together with a list of 111 Serbs, Albanians and other minority nationals who they claimed had been kidnapped since the beginning of the year. They said they were ready to continue the dialogue which had begun with the meeting between President Milosević and Mr. Rugova on 15 May. But the Albanian side had failed to appear for the scheduled meetings since 22 May.

13. Representatives of the Kosovar Albanian political parties and community emphasized the need to find a rapid solution to the situation. They insisted that the KLA was a defensive grouping of Albanians who had taken up arms to protect themselves against the Serbian security forces. They highlighted the growing popularity of the KLA and the diminishing support for political parties as a whole. Some openly admitted that they had offered to serve as that body's political wing. But to date no party was fulfilling that role. Most significantly, no political personality distanced himself from the KLA.

14. The Albanians insisted that no dialogue could begin while, they maintained, Serb security forces continued attacking the Kosovar Albanian population. They stressed the importance of international involvement in the process, into which they said the KLA needed to be brought. All agreed that Kosovo's rights as set out in the 1974 Constitution were non-negotiable and constituted the starting point for any dialogue. Some believed that there should be an interim arrangement, including confidence-building measures, before talks on a final settlement could begin. In this context some parties looked to intervention by the North Atlantic Treaty Organization (NATO) to guarantee the security environment in the region. While some said the outcome of this dialogue should not be prejudged, it was clear that all interlocutors saw independence as the final goal. None were prepared to accept autonomy, to whatever degree, as the final outcome. There seemed to be no readiness either to accept a moratorium on the status issue.

15. The Kosovo Albanians told the mission that some 300 Albanians had been killed, and 150,000 displaced, since the beginning of the year. The Office of the United Nations High Commissioner for Refugees (UNHCR) said it had identified the whereabouts of some 57,000 internally displaced persons in the province but believed the total number was over 100,000. UNHCR said that, since mid-June, it had in principle been given free access to all areas by both the Serb authorities and the KLA. For the time being, food supplies seemed to be adequate. However, if the situation continued to deteriorate, the international community should be aware that the supply of food to the population could become very difficult once winter came. The Government of the Federal Republic of Yugoslavia said it had asked the Albanian Government to allow the Serbian Commissioner for Refugees to visit northern Albania, to meet the Kosovo refugees and to encourage them to return. So far the Federal Republic had not received any direct reply from Tirana. (This issue is being pursued by the Austrian European Union (EU) Presidency.) If a bilateral agreement could be reached, UNHCR would provide the logistics.

16. The Government of the Federal Republic of Yugoslavia said that it favoured a census held under OSCE auspices in Kosovo to establish the ethnic breakdown in the province.

VI. SANDJAK

17. The mission's interlocutors placed the problems in the Sandjak in the context of the loss by the Muslims of their status as a nation (which they had held under the former Socialist Federal Republic of Yugoslavia) with the creation of the Federal Republic of Yugoslavia in 1992. Stress was placed upon the polarization between Muslims and Serbs, which encouraged voters to opt for parties representing more extreme ethnic options, and the resulting increase in tension between the two communities. The mission was told that Muslims were not adequately represented in key positions in State institutions, such as those of senior police officer and school headmaster. While the most serious human rights violations in the areas had occurred in the early 1990s, the mission was told that in July 1997, the Government had removed the elected Muslim local authorities in Novi Pazar on questionable legal grounds. It was noted that, since that action, no fresh elections had been called. Nor had appeals to the Constitutional and Supreme courts produced any response. This had led people to lose faith in the parliamentary system and the country's institutions. It could also encourage the radicalization of the population.

18. The attention of the mission was also drawn to the problems caused by the arrival in the Sandjak of refugees from Kosovo.

VII. VOJVODINA

19. The mission noted that none of the Serbian and Hungarian regional party interlocutors from Vojvodina said they were seeking territorial autonomy. However, the representatives of one non-ethnic party pointed out that the return of territorial autonomy to Kosovo could lead to similar demands for Vojvodina and to unrest among the population. Most interlocutors were seeking increased personal rights (and in the case of some Serbs, a political decentralization of power to the Province of Vojvodina). One Hungarian party had had contracts with the Government to try to improve the community's position. This had led to the establishment of a consultative body for the province's main minority groups and the return of the teaching faculty from Sombor to the town of Subotica. While most interlocutors said the situation had improved since 1992, they pointed out that there were still outstanding concerns. These included State interference in local government (most recently in Titel) and the need for greater personal autonomy in fields such as education and social affairs.

20. The Croats claimed that as a "new minority" they did not enjoy any internationally recognized rights. They also asserted that when the citizenship documents from the former Socialist Federal Republic of Yugoslavia (which gave "Croat" as the nationality) of some Croats had expired, they had been refused new citizenship documents for the Federal Republic of Yugoslavia.

VIII. MONTENEGRO

21. In Montenegro the mission's discussions centred on the conflict in Kosovo, the constitutional position of the Republic of Montenegro and the problems of democracy-building in the Republic. The Montenegrin leadership underlined strongly that their Republic and people had no part in the conflict in Kosovo. They quoted a Montenegrin National Assembly resolution stating that neither Montenegrin territory nor Montenegrin conscripts should be used in the conflict. They also highlighted the difficult situation created by the flow of refugees (an estimated 20,000) from the conflict area to the Republic, and they called for an increase in international relief assistance. The President stressed that the full involvement of an international mediator, and in particular OSCE, would be crucial, especially to re-establish mutual trust.

22. On the future status of Kosovo, the President ruled out both the options of retaining the status quo or making insignificant changes on the one hand, and independence on the other. He also rejected the option of giving Kosovo the status of a third republic in the Federation. If the latter occurred, Montenegro would reconsider its own place within that body. He seemed to favour some sort of far-reaching autonomy for Kosovo within Serbia, although he recognized the Kosovar Albanian dislike of any connection with Serbia.

23. President Djukanović also set out Montenegro's current difficulties within the Federation, which he had discussed with Federal President Milosević in the course of two recent meetings. Montenegro insisted on the right to nominate the Federal Prime Minister (in place of Bulatović, who although a Montenegrin, was now Djukanović's main opponent); and to appoint half of the judges to the Federal Supreme and Constitutional courts; as well as to have equal rights with Serbia in the Central Bank.

24. The government representatives painted a positive picture of developments in the field of human rights, freedom of the media, the rule of law and the independence of the judiciary. Other representatives of human rights groups and the independent media gave a more critical assessment. Nevertheless, there was an impression that definite progress had been made, especially since the last presidential election. The mission was told that there was still room for improvement, especially in the attitude of magistrates, civil servants and the police. Both government and non-government representatives had high expectations of what could be achieved in this respect through continued cooperation with the Office for Democratic Institutions and Human Rights.

IX. RECENT DEVELOPMENTS IN THE FIELDS OF HUMAN RIGHTS, THE MEDIA, AND JUDICIARY, LEGAL AND ELECTORAL SYSTEMS

25. The mission's findings on these issues are necessarily incomplete as it could not cover in depth the full range of questions in the time available.

A. The media

Summary. While the situation of the print media had improved and a network of independent radio and TV stations had been set up outside Belgrade, serious concern still remained in respect of the State media, the overall legislative framework governing the information sector and the Government's implementation of that legislation.

26. In the print media field, the mission noted that the number of independent publications had grown over the last two years. There is now a wide range of dailies as well as some weekly magazines, reflecting a diversity of opinion. These include a variety of publications, among them some dailies, in the Albanian language. But the mission was told that sales of newspapers were dropping and that the Yugoslav population looked mainly to the electronic media, in particular television, as its main source of information. It was also informed that the only factory producing roto-press paper in Serbia gave priority to pro-Government newspapers, which meant that many independent outlets had to import paper at higher prices.

27. In the electronic media field, the ANEM network of 33 independent local radio stations (including some stations run by municipalities in which the opposition had been victorious in the 1996 local elections) was established in 1997. The network is centred on Radio B 92 in Belgrade and covers some 60 per cent of the country. Opposition politicians said that this enabled them to gain access to the electronic media outside Belgrade. But serious problems with the legal framework governing the electronic media remain. Frequency allocation is in the hands of the Government; there is no independent regulatory council. The mission was told that the recent frequency competition (the first in five years, although it was said legislation prescribed annual competitions) was neither transparent nor strictly in accordance with the law. The Government had rejected the applications of a number of independent stations on technical grounds and had signed easily broken contracts, rather than issuing permits for the frequency licences. The media environment was governed by a series of laws and ministries at both the Federal and Republic levels, whose requirements and actions were often mutually contradictory. The Government had recently closed down independent stations (two of which were ANEM members) on the grounds that they were broadcasting without a licence, even though hundreds of others were doing likewise. These included the first attempt to establish a multi-ethnic radio station in Kosovo.

28. Concern was also expressed over the domination of the Serbian State television system, which constitutes the main source of information for the population as a whole. Its output totally supports the government line. It is the only TV network covering the whole of Serbia. Opposition leaders told the mission that they had no access to State TV and radio apart from the legally required appearances during election campaign. Independent analysis of its coverage of events during the 1997 elections showed a clear bias in favour of Government candidates. All independent media interlocutors said that Serbian State radio and TV and other pro-Government media were given preferential access to the Government's central information system, with independent outlets mainly being denied access to official press conferences, press releases, etc. This was denied by the Government.

B. Elections

Summary. There is still a lack of confidence in the electoral system in opposition and other non-governmental circles.

29. A number of interlocutors, and in particular those members of the opposition who had boycotted the 1997 Serbian Republic and presidential elections, expressed their lack of faith in the electoral system, which the OSCE observer mission saw as flawed in many respects. The critics focused in particular on the Government's decision fundamentally to change the number of constitutional units shortly before the elections without gaining the agreement of all the main political parties; the bias of the State media; and the election process in Kosovo. The mission was unable to examine the electoral system in detail. It will be necessary to follow up these concerns in advance of the next round of elections.

C. The legal process

Summary. There is a lack of confidence in non-official circles in the legal system.

30. A large majority of non-governmental interlocutors expressed a lack of confidence in the legal institutions and processes. The mission was told that all key positions in the main institutions, including the judiciary, were filled by Government supporters. This made it difficult to seek redress against the executive branch through the judicial system. On those occasions when verdicts against the Government were handed down, they were often not implemented by the State institutions, e.g. the court decision to overrule the expulsion of a Croat family from their house in the Radical Party-controlled municipality of Zemun; and the failure by the Government to return to Radio Pirot its equipment in accordance with a court order to that effect.

31. The Serbian Parliament in May 1998 adopted a law regulating the status of universities which reduced the status of all universities to economic enterprises. The post of Rector is identical to that of a company director. He and all the deans are appointed by the Government. Each university is run by a 15-member board, including 9 nominated (6 professors, 3 students) individuals from the university, and 6 political appointees. Heads of departments are appointed by the Dean, while other teaching staff are nominated by the Dean after consulting the Education Minister. Students are not allowed to form any political, religious or ethnic organizations at the university and are separated into three groups: those paid for from the budget; those partly financed from the budget; and those self-financed.

32. The Government justified the universities' loss of autonomy on the grounds that their financier (the State) had the right to administer them. It also claimed that the law gave the universities autonomy in respect of education and scientific and research work.

X. ATTITUDE TO THE PARTICIPATION OF THE FEDERAL REPUBLIC OF YUGOSLAVIA IN OSCE

33. There was general support from both the Government of the Federal Republic of Yugoslavia and the Serbian opposition for future participation by the Federal Republic in OSCE, but a widely diverging range of views on the conditionality which it needed to satisfy to secure full participation. The Foreign Minister of the Federal Republic expressed his Government's interest in full participation in OSCE at as early a date as possible. It was wrong that the Federal Republic was the only European country excluded. He claimed that it was already applying the organization's standards despite its non-participation. He insisted on the linkage he said had been established in the Milosević/Yeltsin agreement between the start of simultaneous talks on the return of the long-term missions and the simultaneous membership of the organization by the Federal Republic of Yugoslavia (the text actually speaks of readiness to start negotiations with OSCE simultaneously on receiving its mission to Kosovo and on the restoration of the membership of the Federal Republic in OSCE). He said that the Federal Republic did not maintain it was the sole successor State of the former Socialist Federal Republic of Yugoslavia, but it did claim to be the continuing State thereof, and indeed of Serbia and Montenegro as established by the Congress of Berlin in 1878.

34. The degree of conditionality for participation sought by interlocutors in Belgrade varied from those who thought immediate membership was necessary, to those who believed membership would play into the hands of the Government and therefore favoured greater conditionality, e.g. the return of the Gonzalez mission and a commitment to make progress on the issues it addressed.

35. For the Kosovar Albanians, this did not appear to be a major issue. But all who expressed a view on the subject linked significant progress on Kosovo, including in one case the complete solution of the Kosovo problem, to OSCE membership. Of those advocating independence, one at least would like to see an independent Kosovo in OSCE.

36. The President of Montenegro was against participation by the Federal Republic of Yugoslavia in OSCE unless it demonstrated a cooperative attitude, not only in words but also in deeds. He reminded the mission of the Federal Republic's conduct following the suspension of Kosovo-related sanctions in May.

XI. CONCLUSIONS

37. The perceptibly deteriorating situation in Kosovo, together with the relative lack of progress on issues identified by Mr. Gonzalez in his December 1996 report, underlined the need for a rapid re-establishment of the Long-term Missions to Kosovo, Sandjak and Vojvodina and the return of the Personal Representative of the OSCE Chairman-in-Office to the Federal Republic of Yugoslavia. The Federal Republic was only prepared to consider discussing the terms of the mandate of the OSCE Chairman-in-Office's Personal Representative, Mr. Gonzalez, once the question of its participation in OSCE had been settled. There seemed to be a general willingness on all sides within the Federal Republic of Yugoslavia that the country should participate in the work

of OSCE. But the degree of conditionality which it would have to satisfy to achieve this varied considerably.

38. The mission believed that its visit strongly underlined the need for the return of the Long-term Mission. Care would have to be taken that the work of the mission and other international efforts, such as the Kosovo Diplomatic Observer Mission, were not duplicated, and an assessment made, in the light of the situation at the time, of the extent to which the existing mandate was still valid. It could address issues such as the stimulation of dialogue between the two communities, serve as an ombudsman on human rights matters and provide some form of coordinating role for international activities in the area.

39. The lack of trust between the two communities in Kosovo, against the background of increasing violence, and the distance between the political positions as to how the conflict could be resolved, strongly reinforced the need for a committed high-level international involvement in the negotiation process.

40. The humanitarian situation needed to be observed carefully, as the supply of food to the population in winter could become very difficult, in particular if the situation in the province continued to deteriorate.

41. Although the scale of the problems of the Muslims in Sandjak was of a different magnitude from those of Kosovo, there was a case for a renewed presence of a long-term mission there.

42. The mission believed that the conditions in Vojvodina were such as to warrant coverage by the Long-term Mission.

43. A case can be made for the Long-term Mission to have its headquarters in Belgrade, with a sizeable presence in Kosovo and perhaps a branch office in the Sandjak.

Since the visit of Mr. Gonzalez in 1996, the situation regarding the media and the judiciary, legal and electoral systems did not appear to have improved significantly, apart from some progress in the field of print media. There was a continuing lack of confidence in non-official circles in the legal system, including the legislation relating to the election process. Developments in these fields needed to be monitored with a view to an ongoing dialogue with the authorities, including offering expertise on how progress could be made.

44. The Law on the University gave great cause for concern, as it provided for government control over the administration and teaching staff and limited the possibility of political expression by students. It fell short of relevant European standards.

45. While the Federal Republic of Yugoslavia indicated its readiness to accept the return of the Long-term Mission to Kosovo, it was only prepared to do so in return for the simultaneous participation of the Federal Republic in OSCE.

46. The mission recommends the continuation of talks between the Chairman-in-Office and the Federal Republic of Yugoslavia on issues of relevance to relations between OSCE and the Federal Republic.

Annex II

Letter dated 14 July 1998 from the Secretary-General of the North Atlantic Treaty Organization addressed to the Secretary-General

I am writing to inform you that the military authorities of the North Atlantic Treaty Organization (NATO) have completed their assessment of possible support for a monitoring regime in connection with Security Council resolution 1160 (1998), as noted in my previous letter to you of 11 June 1998. Having considered a variety of options, the North Atlantic Council has decided at this stage to proceed with the SFOR option to step up its efforts, within its existing mission and capabilities, to monitor the Bosnian border with the Federal Republic of Yugoslavia. In this context I can confirm that the necessary arrangements have been put in place to forward any relevant information on suspected violations in the SFOR area of operations via the monthly report to the United Nations or on an ad hoc basis as necessary.

Should circumstances change I will write to you again. In the meantime allow me to take this opportunity to assure you of our continuing close cooperation.

(Signed) Javier SOLANA